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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,468	09/30/2005	Ove Nilsson	2582LN. eh	4444
21254 7590 09/16/2009 MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817				
EXAMINER SCHATZ, CHRISTOPHER T				
ART UNIT 1791		PAPER NUMBER		
MAIL DATE 09/16/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/551,468

**Applicant(s)**

NILSSON, OVE

**Examiner**

CHRISTOPHER SCHATZ

**Art Unit**

1791

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-11, 19,20 and 22-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-11, 19,20 and 22-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The replacement drawings were received on 06/01/2009. These drawings are NOT ACCEPTED.

The newly submitted replacement drawings sheet shows Fig. 2 with parts 19, 20 and 21 now labeled. The replacement drawing sheet does not remedy the deficiencies of the drawing discussed in section 1 of the office action dated 04/01/2009. The drawings are still so unclear that they do not clearly show brackets 19 and 20. The replacements drawing for Fig. 2 is just as unclear if not more unclear than Fig. 1. The applicant is strongly advised to submit a new drawing of either Fig. 1 or Fig. 2 that is much clearer than the currently submitted figures and appropriately labeled. Continuing to add character labels to the currently submitted figures will not be sufficient. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 and 3-11 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Lines 8-10 of claim 1 should be amended as follows: "first section being disposed to displace the cylindrical bodies in their longitudinal direction and connecting a first cylindrical body of said plurality of cylindrical bodies with an end of a preceding cylindrical body of said plurality of cylindrical bodies". In line 17, the claim should be amended to state "the first cylindrical body".

***Claim Rejections - 35 USC § 102***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 1 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Shaw (US 3074605, newly cited).

As to claims 1 and 20 Shaw discloses a unit for applying a material web to the bodies (figure 1); comprising:

a conveyor (figure 1) capable of advancing cylindrical bodies in a longitudinal direction thereof, to, past and away from said unit (figures 1, 2) for supplying a material web to a body, comprising: a first section (three sets of rollers 10) comprising a plurality of wheels 10 for advancing and rotating a cylindrical body; said first section being disposed to displace cylindrical bodies in their longitudinal direction and connect a

cylindrical body to an end of preceding cylindrical body (column 1, line 58 - column 2, line 3; column 3, lines 6-36); a second section (rollers 12) comprising a plurality of wheels for advancing and rotating a cylindrical body being connected to the first section and operating independently of the first section (column 3, lines 9-13 – independently orientable) and capable of rotating and translating a cylindrical body about its longitudinal axis during applying of a material web, further being capable of providing a web with desired spacing between edges of an applied material web (column 3, lines 67-73; figures). The first section is capable of displacing bodies ahead of the applying unit (see figures) and additionally capable of performing the functional language in the last 4 lines of 1 and 20 (column 3, lines 6-74).

***Claim Rejections - 35 USC § 103***

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
8. Claims 3, 5 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw as applied to claims 1 and 20 above, and further in view of Smith (US 3322291).

Shaw discloses an apparatus as discussed with respect to claim 1 above. Furthermore, Shaw discloses each section comprising sides with a plurality of wheels disposed on each side. The wheels are obliquely oriented and their orientation can be varied (see above cited text) but it is not clear if the wheels are obliquely inclinable.

Smith discloses an apparatus for conveying cylindrical bodies, and further discloses wheels 63 that are obliquely inclinable and capable of supporting a cylindrical body (figures 3, 6, 5, column 3, line 15 – column 4, line 72). Smith further discloses that it is advantageous to use wheels that are obliquely inclinable because doing so allows the apparatus to accommodate bodies of different diameters (column 5, lines 1-55). At the time the invention was made, it would have been obvious to one of ordinary skill in the art to modify Shaw such that the wheels are obliquely inclinable as taught by Smith above in order to achieve the advantages discussed above.

As to claim 5, Shaw in view of Smith discloses that said obliquely inclined wheels regulate the advancement speed of bodies (see above cited text of Smith).

As to claim 19, Smith discloses the wheel pairs in the first section are obliquely inclinable independently of the wheel pairs in the second section of the conveyor (column 3, lines 76-73). Note that the reference discloses that the cam plate 100 is removable in each section, and another cam plate can be independently placed in each section in order to vary the angle of the wheels.

9. Claims 4, 6-8 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw and Smith as applied to claims 1, 3 and 20 above, and further in view of Magnusson et al. (US 3664531).

Magnusson discloses an apparatus for conveying cylindrical bodies comprising a drive belt 7 and a drive pulley, wherein said drive belt is capable of rotating an obliquely oriented wheel used to convey a cylindrical bodies, said belt further extending around said pulley (figure). At the time the invention was made it would have been obvious to

one of ordinary skill in the art to modify the apparatus of Shaw as modified by Smith such that the apparatus further comprises a drive belt capable of rotating the modified wheels where said belt further extends around a pulley as taught by Magnusson above as doing such enables the speed of the rollers to be varied over a wide range (column 1, lines 33-43).

As to claim 5, the wheels are arranged pair wise to regulate the advancement speed of a body. As to claim 6, one of ordinary skill in the art would have understood to make the wheels in the second section independently inclinable from the wheels in the first section in order to accommodate the increase in diameter of a cylinder as a result of application of said material web to said cylinder,. As to claim 7, Shaw discloses a common shaft and Magnusson discloses the wheels on one side are disposed on a common shaft. One of ordinary skill in the art would have understood to use a common shaft on both sides in order to achieve the benefits disclosed by Magnusson. Additionally, the applicant should note that simultaneous rotation of each of pairs of wheel is critically to the apparatus of Shaw (wheel pairs are simultaneously rotated in order to regulate speed of the bodies) and as such it would have been obvious to one of ordinary skill in the art to interconnect the shafts on each side in the modified apparatus of Shaw such that each pair of wheels can be simultaneously rotated. The wheels on each side of Shaw as modified are synchronously driven and thus one would have recognized to drive the each common shaft with the drive unit of Magnusson synchronously. As to claim 8, Shaw discloses that although the wheels in each section are disposed on a common shaft, the pairs of wheels in the second section must be

rotated separately from the pairs of wheels in the first section (column 3, lines 6-13). As such, one of ordinary skill in the art would have recognized that each of the first and second common shafts in each of the respective first and second sections of Shaw as modified by Smith and Magnusson above must be separate in order to permit the pairs of wheels to be rotated at different angles to control the conveying speed in each section. As to claim 22, see the discussion of claims 3 and 4 above. As to claims 23 and 24, see the discussion of claims 5 and 6 above, respectively.

10. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw as applied to claim 1 above, and further in view of Roberts (US 6231711)

Shaw discloses that the apparatus is capable of severing an applied web at an end of a body after passage of the unit for applying the material web during conveying-off. Shaw is silent as to the use of a knife to accomplish such (column 4, lines 25-27). ). At the time the invention was made it would have been obvious to one of ordinary skill in the art to modify the apparatus of Shaw as modified by Smith by adding a knife capable of severing a web as taught by Roberts as doing such will enable the apparatus to produce a clean, even sever (figure 7; column 8, line 62 – column 9, line 23).

11. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw and Smith as applied to claims 1 and 3 above, and further in view of Takahashi et al. (US 4946528, newly cited).

At the time the invention was made it would have been obvious to modify the apparatus of Shaw as modified by Smith such that said apparatus further comprises a



plurality of trailing wheels (Takahashi 174) as doing such enables the apparatus to form a good seam (column 5, lines 9-14).

12. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw as applied to claim 1 above, and further in view of Takahashi et al.

At the time the invention was made it would have been obvious to modify the apparatus of Shaw such that said apparatus further comprises a trailing wheel (Takahashi 174) as doing such enables the apparatus to form a good seam (column 5, lines 9-14). The trailing wheel is capable of abutment flush with a cylindrical body.

### ***Response to Arguments***

13. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

The applicants arguments against Smith and Roberts are directed toward the manner in which said references were combined in the office action dated 04/01/2009. These arguments are moot in light of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER SCHATZ whose telephone number is

571-272-6038. The examiner can normally be reached on Monday through Friday 9 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHRISTOPHER SCHATZ/  
Examiner, Art Unit 1791

/Richard Crispino/  
Supervisory Patent Examiner, Art Unit 1791